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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,208	04/22/2004	Yong-Chol Kwon	IK-0088	5539
34610	7590	04/05/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			TRAN, HANH VAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,208

Applicant(s)

KWON, YONG-CHOL

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-14, 16-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 1/12/2006.

Election/Restrictions

2. Applicant's election with traverse of Species I in the reply filed on 1/12/2006 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application could be made without serious burden. This is not found persuasive because the field of search for Species I may not be required for Species II.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 15, 18-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/12/2006.
4. Applicant's remarks regarding Figure 4 is noted with appreciation.

Drawings

5. Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4, 6, 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 9, "both sidewalls" of the receiving box lacks antecedent basis, thus indefinite. Claim 4, lines 2-3, the limitation "a guide rail is provided for each side end of each receiving box" is vague, thus indefinite for failing to clearly define what is "side end" of each receiving box.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 308,156 to Hamilton.

Hamilton discloses a mounting structure comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a receiving chamber cover (a,b) defining a receiving space, a receiving box *h'* installed in the partitioned space and having a receiving space being open at an upper portion thereof, a plurality of guide

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rails *d* provided at positions on the receiving chamber cover corresponding to inner sides of two sidewalls of the receiving box, a plurality of guide flanges *f* provided at upper ends of both sidewalls of the receiving box and extending in an inward direction with respect to the receiving space, wherein the plurality of guide flanges are positioned so as to correspond to the plurality of guide rails *d*; wherein each guide flange of the plurality of guide flanges is supported and guided by a respective guide rail of the plurality of guide rails, and are formed such that leading ends thereof protrude by a predetermined length inwardly with respect to the sidewalls of the receiving box so as to face each other.

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 1-4, 6, 8-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,044,704 to Bussan et al in view of USP 1,558,506 to Riek and USP 308,156 to Hamilton.

Bussan et al discloses a refrigerator comprising a mounting structure having all the elements recited in the above listed claims including a receiving chamber cover 30; two receiving boxes 20-22 each having a receiving space being open at an upper portion thereof; a plurality of guide rails provided on the receiving chamber cover 30 corresponding to inner sides of the sidewalls of the receiving box and extending along the receiving chamber cover in a direction in which the receiving box is pushed into and pulled out, wherein a common guide rail is provided at a position where the two receiving boxes are adjacent to each other, said common guide rail configured to define channels on opposite sides thereof, and each guide rail comprises a guide channel; a plurality of guide flanges provided at upper ends of both sidewalls of the receiving box, wherein said plurality of guide flanges are positioned so as to correspond to the plurality of guide rails. The differences being that Bussan et al fails to disclose that the guide channels of the guide rails face outward with respect to the receiving space, the guide flanges extending in an inward direction with respect to the receiving space.

Riek and Hamilton teaches the it is well known in the art to provide a plurality of guide rails, each having a guide channel which faces outward with respect to the receiving space of a drawer, and a plurality of guide flanges extending in an inward direction with respect to the receiving space; wherein the outward facing guide channels of the guide rails and the inward extending direction of the guide flanges provides no projecting ribs or the like upon the outer surfaces of the sides of the receiving boxes and, consequently, it is not necessary to enlarge or specially shape the receiving box opening to permit the movement of the receiving box therein, such that all parts of the

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receiving boxes and their supports are located between the planes occupied by the sides of the receiving box. Therefore, it would have been obvious to modify the structure of Bussan et al by having the guide channel faces outward with respect to the receiving space of the receiving box, and the plurality of guide flanges extending in an inward direction with respect to the receiving space; wherein the outward facing guide channels of the guide rails and the inward extending direction of the guide flanges provides no projecting ribs or the like upon the outer surfaces of the sides of the receiving boxes and, consequently, it is not necessary to enlarge or specially shape the receiving box opening to permit the movement of the receiving box therein, such that all parts of the receiving boxes and their supports are located between the planes occupied by the sides of the receiving box, as taught by Riek and Hamilton, since the references teach alternate conventional guide rails and guide flanges structures, used for the same intended purpose, thereby providing structure as claimed.

Response to Arguments

13. Applicant's arguments filed 9/27/2005 have been fully considered but they are not persuasive. In response to applicant's argument on page 13 that Hamilton neither discloses nor suggests any type of inward facing guide flanges, not any type of guide rails, let alone guide rails which include outward facing guide channels, the examiner takes the position that as stated in the above art rejection, the claimed language fails to provide adequate structural limitations in order to distinguish from Hamilton. Further, the inward facing guide flanges of Hamilton are being defined by grooves *f*, and the guide rails are being defined by tongues *d*.

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14. Applicant's arguments with respect to Riek, Vance, Smith, and Smith in view of Bussan et al have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*
March 31, 2006

LANNA MAI
SUPERVISORY PATENT EXAMINER
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Lanna Mai